

SEP 07 2005

Attorney Docket No. 020921-001110US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner Thanh X. Luu

Group Art Unit 2878

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF**

**Examiner Thanh X. Luu
and
Mail Stop AF**

CERTIFICATION OF FACSIMILE TRANSMISSION


I hereby certify that the following documents in re Application of VICTOR B. KLEY, Application No. 10/047,454, filed January 14, 2002 for SCANNING PROBE MICROSCOPE ASSEMBLY AND METHOD FOR MAKING SPECTROPHOTOMETRIC, NEAR-FIELD, AND SCANNING PROBE MEASUREMENTS are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal Form (1 page)
2. Fee Transmittal (2 pages)
3. Amendment Under 37 CFR 1.116 Expedited Procedure Examining Group 2878 (17 pages)

Number of pages being transmitted, including this page: 21

Dated: September 7, 2005


Valerie Peterson

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400
Fax: 650-326-2422
60580885 v1

PTO/SB/21 (09-04)

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/047,454
	Filing Date	January 14, 2002
	First Named Inventor	Kley, Victor B.
	Art Unit	2878
	Examiner Name	Thanh X Luu
Total Number of Pages in This Submission	Attorney Docket Number	020821-001110US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature	<i>David N. Slone</i>		
Printed name	David N. Slone		
Date	September 7, 2005	Reg. No.	28,572

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (571) 273-8300 on September 7, 2005.			
Signature	<i>Valerie Peterson</i>		
Typed or printed name	Valerie Peterson	Date	September 7, 2005

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NO. 3463 P. 3

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PTO/SB/17 (12-04)

<small>Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</small>		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/047,454
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	January 14, 2002
TOTAL AMOUNT OF PAYMENT (\$) 300		First Named Inventor	Kley, Victor B.
		Examiner Name	Thanh X Luu
		Art Unit	2878
		Attorney Docket No.	020921-001110US

METHOD OF PAYMENT (check all that apply)			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____			
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>20-1430</u> Deposit Account Name: <u>Townsend and Townsend and Crew LLP</u>			
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)			
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee			
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments			
<small>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038</small>			
FEE CALCULATION			
1. BASIC FILING, SEARCH, AND EXAMINATION FEES			
FILING FEES <small>Small Entity</small>	SEARCH FEES <small>Small Entity</small>	EXAMINATION FEES <small>Small Entity</small>	Fees Paid (\$)
Application Type	Fee (\$) Fee (\$)	Fee (\$) Fee (\$)	Fee (\$) Fee (\$)
Utility	300 150	500 250	200 100
Design	200 100	100 50	130 65
Plant	200 100	300 150	160 80
Reissue	300 150	500 250	600 300
Provisional	200 100	0 0	0 0
2. EXCESS CLAIM FEES			Small Entity
Fee Description			Fee (\$) Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent			50 25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent			200 100
Multiple dependent claims			360 180
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
39	-20 or HP = 0	x \$25	= \$0
<small>HP = highest number of total claims paid for, if greater than 20</small>			Multiple Dependent Claims
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
16	-3 or HP = 3	x \$100	= \$300
<small>HP = highest number of independent claims paid for, if greater than 3</small>			
3. APPLICATION SIZE FEE			
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$) Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=
4. OTHER FEE(S)			
Non-English Specification, \$130 fee (no small entity discount)			Fees Paid (\$)
Other: _____			_____

SUBMITTED BY			
Signature	<u>David Slone</u>	Registration No. (Attorney/Agent)	28,572
Name (Print/Type)	David N. Slone	Telephone	650-326-2400
		Date	September 7, 2005

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**AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE -
EXAMINING GROUP 2878**

PATENT
Attorney Docket No. 020921-001110US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VICTOR B. KLEY

Application No.: 10/047,454

Filed: January 14, 2002

For: SCANNING PROBE
MICROSCOPE ASSEMBLY AND
METHOD FOR MAKING
SPECTROPHOTOMETRIC, NEAR-
FIELD, AND SCANNING PROBE
MEASUREMENTS

Customer No.: 20350

Confirmation No. 3079

Examiner: Thanh X Luu

Technology Center/Art Unit: 2878

**AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE EXAMINING
GROUP 2878**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed February 11, 2005 on the above-referenced application, please enter the following amendments and remarks. A Notice of Appeal with a Petition for a two-month extension was mailed July 11, 2005, and received in the USPTO on July 13, 2005. Thus, the deadline for an Appeal Brief or an Amendment putting the application in condition for allowance is September 13, 2005.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.

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